

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1057

AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-30-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The operator of (a)~~  
**This section does not apply to the following:**

- (1) **A container possessed by a person who is in the:**
  - (A) **passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or**
  - (B) **living quarters of a house coach or house trailer.**
- (2) **A container located in a fixed center console or other similar fixed compartment that is locked.**
- (3) **A container located:**
  - (A) **behind the last upright seat; or**
  - (B) **in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.**

(b) **A person in a motor vehicle who has an alcohol concentration equivalent to at least four-hundredths (0.04) gram of alcohol per one hundred (100) milliliters of the blood; or per two hundred ten (210) liters of the breath; and who, while the motor vehicle is in operation knowingly allows or while the motor vehicle is located on the right-of-way of a public highway, possesses a container:**

- (1) **that has been opened;**



C  
o  
p  
y

(2) that has a broken seal; or

(3) from which some of the contents have been removed;

to be in the passenger compartment of the motor vehicle commits a ~~Class B~~ **Class C** infraction. If a person is found to have a previous unrelated judgment under this section or a previous unrelated conviction or judgment under IC 9-30-5 within twelve (12) months before a violation that results in a judgment under this chapter, the court may recommend the person's driving privileges be suspended for not more than one (1) year.

(c) A violation of this section is not considered a moving traffic violation:

(1) for purposes of IC 9-14-3; and

(2) for which points are assessed by the bureau under the point system.

**C  
o  
p  
y**



---

Speaker of the House of Representatives

---

President of the Senate

---

President Pro Tempore

Approved: \_\_\_\_\_

---

Governor of the State of Indiana

**C**  
**O**  
**P**  
**Y**

